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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

D. JEANETTE FINICUM; THARA
TENNEY; TIERRA COLLIER; ROBERT
FINICUM; TAWNY CRANE; ARIANNA
BROWN; BRITTNEY BECK; MITCH
FINICUM; THOMAS KINNE; CHALLICE
FINCH; JAMES FINICUM; DANIELLE
FINICUM; TEAN FINICUM; and the
ESTATE OF ROBERT LAVOY FINICUM.

Plaintiffs,

v.

UNITED STATES OF AMERICA; FBI,
BLM; DANIEL P. LOVE; SALVATORE
LAURO; HARRY MASON REID; GREG T.
BRETZING; W. JOSEPH ASTARITA;
STATE OF OREGON; OREGON STATE
POLICE; KATHERINE BROWN;
RONALD LEE WYDEN; HARNEY
COUNTY; DAVID M. WARD; STEVEN E.
GRASTY; THE CENTER FOR
BIOLOGICAL DIVERSITY; and JOHN
DOES 1-100.

Defendants.

Case No. 2:18-CV-00160-SU

MOTION TO ENLARGE TIME FOR
SERVICE UPON DEFENDANTS

Plaintiffs, by and through counsel, J. Morgan Philpot, move the Court, pursuant to the Fed. R. Civ. P. 4(i)(4)(A) and (B) and 6(b), for an order granting an extension of time to serve the summons and complaint in this matter upon the Defendants.

Plaintiffs filed their original Complaint in this matter on January 25, 2018 along with a

Civil Cover sheet that indicated that one of Plaintiffs' choices for counsel, Mr. Philpot, was then pursuing active status with the Oregon Bar to make a formal appearance in this matter. Mr. Philpot's active status with the Oregon Bar was made effective in March of 2018 and since that time Plaintiffs' counsel has sought diligently to prepare and file an amended complaint which was accomplished on April 24, 2018.

Additionally, Plaintiffs have attempted diligently and have successfully served summonses upon multiple Defendants by mailing, through certified mail, a copy of the Complaint and Summons to the United States Attorney, the United States Attorney General and have received a waiver (that will be filed) from counsel for the STATE OF OREGON and OREGON STATE POLICE and OREGON GOV. BROWN. Plaintiffs have also served the Center for Biological Diversity and Steven E. Grasty and David M. Ward of Harney County, Oregon via certified mail. Proof of service is forthcoming for each of these defendants.

Plaintiffs have sued three main categories of defendants. The United States (and its officers or agents); the State of Oregon (and its officers or agents) and Harney County (and its officers or agents). All of these government entities have actual notice of the suit, all of the main entities have been served, and the United States has been previously notified of this subject matter and the complaint by compliance with the Federal Tort Claims act. Thus, there is no prejudice to the Defendants here, and Plaintiffs are simply exercising good care and caution, to ensure the service is timely accomplished in all possible regards.

Finally, Plaintiffs have been recently made aware, while accomplishing service upon the main government entities, that there may be new or changed addresses for some of the individual named government agent/officer defendants. Thus, out of an abundance of caution, and a desire for time to further serve any omitted Defendants and/or to cure any failure of service that may be

discovered and also to serve certain defendants individually by separate means; Plaintiffs need more time. The additional time will be used to diligently identify and/or obtain addresses from the government for the individual Defendants. Granting this motion will serve judicial economy, will ensure the litigation proceeds with actual and legal notice, and will serve Plaintiffs good faith efforts to ensure that its efforts to serve all defendants are thoroughly successful.

Wherefore, Plaintiffs move the Court for an order extending the time within which Plaintiffs may perfect and/or finish serving the Defendants for (60) sixty days from today. Due to the urgency of this filing, and the nature of the issue (service initiating a lawsuit) Plaintiffs have not been able to confer with counsel for any of the effected parties.

DATED: April 25, 2018

/s/ J. Morgan Philpot
J. Morgan Philpot, OSB #144811
Attorney for Plaintiffs